



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 28 2012

US EPA RECORDS CENTER REGION 5



446379

REPLY TO THE ATTENTION OF:
SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Taylor's Property Management, LLC
2515 Jean Marie Court
Brick, New Jersey 07753
Attention: Christopher A. Filos, President

Re: Taylor's Industrial Services Site
820 West Marion Road, Mt. Gilead, Morrow County, Ohio
Site Spill Identification Number: (C5G6)
General Notice of Potential Liability and Request for Information

Dear Mr. Filos:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Taylor's Industrial Services Site (TISS), and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the TISS, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the TISS. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the TISS, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the TISS.

1. Develop and implement a Site Health and Safety Plan, and Site Security Plan.

2. Characterize and dispose of all hazardous substances, materials, pollutants or contaminants located at the facility, including but not limited to material contained in drums, tanks or other storage containers.
3. Excavate and dispose of contaminated soils located near the underground storage tanks.
4. Render unusable, all large storage tanks and/or remove from the TISS.
5. Remove and dispose of PCB-contaminated electrical transformers and other electrical equipment.
6. Decontaminate stained areas on the ground where the contents of containers have leaked.
7. Fill open pits (inside and outside of the facility) with clean material.
8. Decontaminate heavy equipment as necessary and appropriately dispose of contaminated water.
9. Remove and plug the drain system leading to the creek.
10. Assess land-farmed soils and remove and dispose of the material as appropriate.
11. Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that EPA determines may pose an imminent and substantial endangerment to the public health or the environment.
12. Post Removal Site Controls – The removal action will be conducted in a manner not inconsistent with the NCP. The OSC had initiated planning for provision of post-removal site control consistent with the provisions of Section 300.415(1) of the NCP. Elimination of all threats presented by hazardous substances and/or pollutants or contaminants in the building is, however, expected to minimize the need for post-removal site control.
13. Off-Site Rule – All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

EPA has received information that Taylor's Property Management, LLC may have owned the TISS or generated or transported hazardous substances that were disposed of at the TISS. By this letter, EPA notifies Taylor's Property Management, LLC of its potential liability with regard to this matter and encourages Taylor's Property Management, LLC, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the TISS. EPA is willing to discuss with you the entry of an appropriate administrative consent order under

which you would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring Taylor's Property Management, LLC to perform specified work. Under Sections 106 and 107 of CERCLA, Taylor's Property Management, LLC may be liable for reimbursement of EPA's costs, for statutory penalties and for treble damages for noncompliance with such an order. If Taylor's Property Management, LLC is a qualified small business, enclosed is a *U.S. EPA Small Business Resources Information Sheet*, which may be helpful if you are subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the TISS must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify EPA in writing within fourteen (14) business days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. If EPA does not receive a timely response, EPA will assume that Taylor's Industrial Services, LLC does not wish to negotiate a resolution of its potential responsibility in connection with the TISS and that Taylor's Property Management, LLC has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action or involved in a lawsuit regarding the TISS, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of EPA has the authority to require any person who has or may have information relevant to any of the following to furnish EPA with such information: (a) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (b) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (c) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit the following information concerning the TISS:

1. Provide copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the TISS.

2. A detailed description of the generic common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you and/or transported by you to the TISS.
3. For each hazardous substance above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged for disposal and list when those substances were transported to the TISS.
4. What arrangements were made to transport the hazardous substances which were taken to the TISS? What type of transportation was used (i.e. tankers, dump trucks, drums)?
5. Who were the generators of the hazardous substances you transported? Please provide their current addresses.
6. Provide copies of all records, including analytical results and material safety data sheets, which indicate the identity, amounts, chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the TISS, or offered for transportation to storage or disposal at the TISS.
7. A list description of all liability insurance coverage that is and was carried by you, including any self insurance provisions, that relates to hazardous substances and/or the TISS and copies of all of these insurance policies.
8. For each hazardous substance, please give the location at which it was disposed on the TISS. Please include a map of the TISS with disposal locations on it.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the TISS and to the transportation, storage and/or disposal of hazardous substances or the generation of hazardous substances that were ultimately disposed of or offered for disposal at the TISS. The relevant time period for this request is fourteen (14) business days.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills, and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from the TISS. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants and shall include reclaimed and off-specification material of any kind.

This request is directed to your company, its officers, directors and employees and its subsidiaries, divisions, facilities and its officers, directors and employees. The information sought herein must be sent to EPA within fourteen (14) business days of your receipt of this

letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by EPA. Information claimed as confidential will be handled in accordance with the provisions of Section 104(e) of CERCLA, Section 3007(b) of the Resource Conservation and Recovery Act or 40 C.F.R. Section 2.203(b).

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Instructions on how to respond to the questions in Enclosure B to this document are described in Enclosure A. Your responses to both the notice of potential liability within fourteen (14) business days and the information requests within fourteen (14) business days should be sent to:

U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Attn.: Mrs. Ruth Woodfork, Enforcement Specialist

If you need further information regarding this letter, you may contact Mrs. Ruth Woodfork, Enforcement Services Section 1, at 312-353-6431 or her supervisor, Mr. Thomas Marks at 312-353-6591. Direct any legal questions to Ms. Cynthia Kawakami, of the Office of Regional Counsel at 312-886-0564.

Due to the nature of the problem at the TISS and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely,

for Lauree Schmitt

Sharon Jaffess, Chief
Enforcement & Compliance Assurance Branch

Enclosure: *U.S. EPA Small Business Resources Information Sheet, June 2011*

NAME OF SITE

List of Potentially Responsible Parties
Sent General Notice & Request for Information Letter

Taylor's Industrial Services, LLC
2515 Jean Marie Court
Brick, New Jersey 07753

Enclosure A
Information Request
Taylor's Industrial Services Site (TISS)

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- (a) The portions of the information alleged to be entitled to confidential treatment;

- (b) The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event or permanently);
- (c) Measures taken by you to guard against the undesired disclosure of the information to others;
- (d) The extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e) Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, Section 3007(b) of RCRA or 40 C.F.R. Section 2.203(b). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen fourteen (14) business days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "documents" includes any written, recorded, computer-generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "material" or "materials" shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust or other entity.
8. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in

reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "site" or ("TISS") shall mean the Taylor's Industrial Services Site located at 820 West Marion Road, Mt. Gilead, Morrow County, Ohio.

12. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "you" or "Respondent" shall mean Taylor's Property Management, LLC. The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns and agents of Taylor's Property Management, LLC.

Enclosure B
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants or contaminants and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors or by prior owners and/or operators.
7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no," identify:
 - (a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - (b) The name of the person who supplied you with such hazardous substances;
 - (c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - (d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - (e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - (f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

8. Provide a list of all property and casualty insurance (e.g., comprehensive general liability, environmental impairment, etc.) and specify the insurer, policy, effective dates and per occurrence policy limits for each policy for the time period specified in this Information Request. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

9. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.

10. If Respondent is a corporation, respond to the following requests:

(a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent;

(b) Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not available, please state the reasons that they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year;

(c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities; and

(d) Provide a list of any investments that the corporation may own. For example, any ownership in stock should list corporate name, number of shares owned and price at a current specific date. Ownership of real estate should itemize property location, type of property (land, office building, factory, etc.), size of property, purchase price and current market valuation. These schedules should agree with financial statement presentations.

11. If Respondent is a partnership, provide copies of the Partnership Agreement.

12. If Respondent is a trust, provide all relevant agreements and documents to support this claim.

13. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the TISS from any person? If the answer to this question is anything but an unequivocal "no," identify:

(a) The persons from whom you or such other persons accepted waste materials for transport to the TISS;

(b) Every date on which waste materials were so accepted or transported;

(c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the material was used or the process which generated the material;

- (d) For each material, describe any warnings given to you with respect to its handling;
- (e) The owner of the materials so accepted or transported;
- (f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
- (g) All tests or analyses and analytical results concerning each material; and
- (h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the TISS.

14. Identify all persons, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the TISS or to the TISS. In addition, identify the following:

- (a) The persons with whom you or such other persons made such arrangements, including, but not limited to (provide list of transporters);
- (b) Every date on which such arrangements took place;
- (c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
- (d) The owner of the waste materials or hazardous substances so accepted or transported;
- (e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- (f) All tests, analyses and analytical results concerning the waste materials;
- (g) The person(s) who selected the TISS as the place to which the waste materials or hazardous substances were to be transported;
- (h) The amount paid in connection with each transaction, the method of payment and the identity of the person from whom payment was received;
- (i) Where the person identified in (g) above intended to have such hazardous substances or waste materials transported and all evidence of this intent;

(j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

(k) What was actually done to the waste materials or hazardous substances once they were brought to the TISS;

(l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

(m) The measures taken by you to determine the actual methods, means and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;

(n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the TISS, and all markings on such containers;

(o) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;

(p) All documents containing information responsive to (a) – (o) above, or in lieu of identification of all relevant documents, provide copies of all such documents; and

(q) All persons with knowledge, information or documents responsive to questions (a) – (o), above.

15. Describe the nature of your activities or business at the TISS, with respect to purchasing, receiving, processing, storing, treating, disposing or otherwise handling hazardous substances or materials at the TISS.

16. State the dates during which you owned, operated or leased the TISS and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases, etc.).

17. Provide information about the TISS, including but not limited to the following:

(a) Property boundaries, including a written legal description;

(b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);

(c) Surface structures (e.g., buildings, tanks, etc.);

(d) Ground water wells, including drilling logs;

(e) Stormwater drainage system and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when and how such systems are emptied;

(f) Any and all additions, demolitions or changes of any kind on, under or about the TISS, to its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the TISS; and

(g) All maps and drawings of the TISS in your possession.

18. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the TISS. For each such solid waste unit identified, provide the following information:

(a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

(b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;

(c) The dates that the unit was in use;

(d) The purpose and past usage (e.g., storage, spill containment, etc.);

(e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;

(f) The construction (materials, composition), volume, size, dates of cleaning and condition of each unit; and

(g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

19. Identify the prior owners of the TISS. For each prior owner, further identify:

(a) The dates of ownership;

(b) All evidence showing that they controlled access to the TISS; and

(c) All evidence that a hazardous substance, pollutant or contaminant, was released or threatened to be released at the TISS during the period that they owned the TISS.

20. Identify the prior operators, including lessors, of the TISS. For each such operator, further identify:

(a) The dates of operation;

(b) The nature of prior operations at the TISS;

(c) All evidence that they controlled access to the TISS; and

(d) All evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at or from the TISS and/or its solid waste units during the period that they were operating the TISS.

21. Provide copies of all local, state and federal environmental permits ever granted for the facility or any part thereof (e.g., RCRA permits, National Pollutant Discharge Elimination System permits, etc.)

22. Did the facility ever have "interim status" under RCRA? If so, and the facility does not currently have interim status, describe the circumstances under which the facility lost interim status.

23. Did the facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

24. Provide all reports, information or data related to soil, water (ground and surface) or air quality and geology/hydrogeology at and about the TISS. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

25. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the TISS? If so, identify:

(a) What the nature and scope of these investigations will be;

(b) The contractors or other persons that will undertake these investigations;

(c) The purpose of the investigations;

(d) The dates when such investigations will take place and be completed; and

(e) Where on the TISS such investigations will take place.

26. Identify all leaks, spills or releases into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the TISS. In addition, identify:

- (a) When such releases occurred;
- (b) How the releases occurred;
- (c) The amount of each hazardous substance, pollutant or contaminant so released;
- (d) Where such releases occurred;
- (e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
- (f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing undertaken; and
- (g) All persons with information relating to these releases.

27. Was there ever a spill, leak, release or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under the building? If the answer to the preceding question is anything but an unqualified "no" identify:

- (a) Where the disposal system or floor drains were located;
- (b) When the disposal system or floor drains were installed;
- (c) Whether the disposal system or floor drains were connected to pipes;
- (d) Where such pipes were located and emptied;
- (e) When such pipes were installed;
- (f) How and when such pipes were replaced, or repaired; and
- (g) Whether such pipes ever leaked or in any way released hazardous materials into the environment.

28. Did any leaks, spills or releases of hazardous materials occur on the TISS when such materials were being:

- (a) Delivered by a vendor;

- (b) Stored (e.g., in any tanks, drums or barrels);
- (c) Transported or transferred (e.g., to or from any tanks, drums, barrels or recovery units); or
- d) Treated.

29. Has soil ever been excavated or removed from the TISS? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:

- (a) Amount of soil excavated;
- (b) Location of excavation;
- (c) Manner and place of disposal and/or storage of excavated soil;
- (d) Dates of soil excavation;
- (e) Identity of persons who excavated or removed the soil;
- (f) Reason for soil excavation;
- (g) Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
- (h) All analyses or tests and results of analyses of the soil that was removed from the TISS; and
- (i) All persons, including contractors, with information about (a) - (h) of this request.

30. Provide a list of the customers you supplied hazardous substances to.

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.